

## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

KENITH BURDETT,	)
Plaintiff,	)
VS.	)
BANK ONE, N.A., CHARTER ONE	) CASE NO.: 2:05-ev-499-DR3
BANK, N.A., LUANNE MIXON,	)
KEITH MIXON, et al.,	)
	)
Defendants.	)

## MOTION FOR LEAVE TO FILE SHORT RESPONSE TO DEFENDANT'S OPPOSITION BRIEF

COMES NOW the plaintiff, Kenith Burdett, and requests the court to allow him an extension of time to file a reply brief and to conduct depositions in the interim pursuant to Fed. R. Civ. P. 30. In support of this motion plaintiff states as follows:

- 1. Plaintiff filed a motion to remand and brief this matter and at the time of said motion and brief was unaware of any reporting of the defendant designated as Bank One on any of his credit reports.
- 2. Bank One in its response to plaintiff's remand motion attached a copy of a document purported to be a credit report attributed to Plaintiff in which there was a reporting of several accounts by Bank One. (Exhibit "B" of Bank One's response.) Defendant's argument relies heavily on this new fact.

- 3. Plaintiff was unaware that at any time prior to the filling of his remand motion that the student loan accounts that were fraudulently opened in his name were reported to any credit reporting agency by Bank One.
- 4. Even though Plaintiff believes that the reporting by Bank One of the accounts at issue does not in any way convey federal question jurisdiction he would like an opporturity to file a brief response.

WHEREFORE, premises considered, plaintiff respectfully requests that the court to allow the plaintiff time to file a short reply brief to defendant's Motion in Opposition to Plaintiff's Motion to Remand.

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## CERTIFICATE OF SERVICE

I hereby certify that on July 15<sup>th</sup>, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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